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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 MARC ANTHONY COLON,

Case No. 3:18-cv-00490-MMD-CLB

7 Petitioner,

ORDER

8 v.

9 R. BAKER, *et al.*,

10 Respondents.
11

12 This habeas matter is before the Court on counsel James F. Halley's motion to
13 withdraw (ECF No. 38), Petitioner Marc Anthony Colon's motion for withdrawal of counsel
14 (ECF No. 40), Colon's motion for appointment of counsel (ECF No. 39), and Halley's
15 motion for a seventh extension of time to file a second amended petition (ECF No. 42).

16 The Court appointed Halley to represent Colon on May 20, 2019. (ECF No. 13.)
17 The Court ordered a counseled amended petition to be filed within 60 days. (*Id.* at 2.)
18 Halley filed a first amended petition on July 15, 2019, and this Court granted Halley's
19 request to file a second amended petition on August 16, 2019, ordering the second
20 amended petition to be filed within 120 days. (ECF Nos. 15, 17.) Halley has filed seven
21 requests for extensions of time regarding the filing of a second amended petition. (ECF
22 Nos. 18, 21, 24, 29, 32, 35, 42.) In his motion to withdraw, Halley explains that his
23 relationship with Colon has broken down. (ECF No. 38.) And in his motion for withdrawal
24 of Halley, Colon represents that Halley has made no progress on his case in nearly three
25 years. (ECF No. 40.) The Court finds good cause to grant the motions to withdraw.

26 It is therefore ordered that the motion to withdraw as attorney (ECF No. 38), the
27 motion for appointment of counsel (ECF No. 39), and the motion for withdrawal of counsel
28 (ECF No. 40) are granted. James F. Halley, Esq., is withdrawn as counsel for Petitioner

1 and must return to Petitioner any papers or files in his possession. Substitute counsel will
2 be appointed for Petitioner.

3 It is further ordered that the Clerk of Court send a copy of this order to the CJA
4 Resource Counsel, Kim Driggers, at the Federal Public Defender, who will locate
5 substitute counsel for Petitioner.

6 It is further ordered that Halley's seventh motion for extension of time to file a
7 second amended petition (ECF No. 42) is denied as moot. The Court will set a new
8 deadline for the filing of a second amended petition, or a notice that the case should
9 proceed on the first amended petition, following the formal appointment of substitute
10 counsel.

11 It is further ordered that the Clerk of Court send a copy of this order to Petitioner
12 in proper person at the last institutional address in the record and reflect said transmittal
13 either via the notice of electronic filing or on the docket, in a manner consistent with the
14 Clerk of Court's current practice.

15 DATED THIS 3rd Day of May 2022.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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